

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
MARLENE JOHANSEN,)	
)	
Plaintiff,)	
Counterclaim Defendant,)	
)	Case No. 04-11789-RCL
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant,)	
Counterclaim Plaintiff,)	
)	
v.)	
)	
NATIONAL CITY MORTGAGE CO.,)	
and TIMOTHY BURKE,)	
)	
Counterclaim Defendants.)	
_____)	

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)

The parties in the above-captioned matter submit this Joint Statement regarding pre-trial schedule pursuant to Local Rule 16.1 of the United States District Court for the District of Massachusetts and the Court's Notice of Scheduling Conference dated October 25, 2004

A. General Description of the Case

The action was filed by Marlene Johansen to quiet title to a piece of real property located in Stoneham, Massachusetts. Marlene Johansen contends that federal tax liens against her ex-husband, Ralph Johansen, do not attach to the real property and

seeks that determination from this Court. Further, Marlene Johansen contends that she is not the nominee of her ex-husband, Ralph Johansen, and therefore, the nominee lien filed with the Registry of Deeds is in error.

The United States answered and counterclaimed seeking a determination that (a) Marlene Johansen acquired one-half of the property subject to tax liens against Ralph Johansen and/or (b) Ralph Johansen fraudulently conveyed his one-half interest to Marlene Johansen. If that determination is made, the United States seeks to foreclose its federal tax liens. Timothy Burke and National City Mortgage Co. were named because they hold mortgages on the subject property.

Marlene Johansen has filed a Motion to Strike and Dismiss the Counterclaims of the United States. The United States opposes that motion.

B. Discovery Plan

The parties agree and request that the Court approve the following proposed Pre-trial Schedule and Discovery Plan:

(1) Joint Discovery Plan:

- (a) All fact discovery shall be completed by May 30, 2005.
- (b) The parties do not see any need for phased discovery.

(2) Motions:

Dispositive motions shall be filed by July 31, 2005.

(3) Certifications

The parties shall submit separately any certifications required by Local Rule 16.1(D) (3).

For Marlene Johansen:

/s/ Timothy Burke

by telephone consent

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For United States of America:

/s/ Stephen J. Turanchik

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